

REMARKS

Claims 1, 3, and 5-11 are pending in this application.

Applicants have amended claims 1, 10, and 11, and have canceled claims 2 and 4. In addition, Applicants have made minor changes to the specification (including, among other changes, changing the Title and providing a new Abstract). These changes do not introduce any new matter.

Objection to the Drawings

In response to the objection to the drawings, Applicants have amended the specification to include the reference numbers identified by the Examiner, namely, reference numbers S110, S125, and S240. Accordingly, Applicants submit that the drawings now comply with 37 CFR § 1.84(p)(5), and request that the objection to the drawings thereunder be withdrawn.

Objection to the Specification

In response to the objection to the specification, Applicants have corrected the informalities identified by the Examiner. In addition, Applicants have changed the Title to “Method, Apparatus, and Computer-Readable Medium for Processing an Image While Excluding a Portion of the Image,” and have provided a new Abstract. Accordingly, Applicants request that the objection to the specification be withdrawn.

Rejection Under 35 U.S.C. § 101

Applicants respectfully request reconsideration of the rejection of claim 11 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicants have amended claim 11 to specify that the claimed program is embodied on a computer-readable storage medium. Accordingly, Applicants submit that claim 11 now defines statutory subject matter under 35 U.S.C. § 101, and request that the rejection of this claim thereunder be withdrawn.

Rejections Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1-3 and 8-11 under 35 U.S.C. § 103(a) as being unpatentable over the *Ikonomakis et al.* article (“Color Image Segmentation for Multimedia Applications”) in view of *Kuwata* (U.S. Patent No. US 6,351,558 B1) (as noted above, claim 2 has been canceled herein). As will be explained in more detail below, the combination of the *Ikonomakis et al.* article in view of *Kuwata* would not have rendered the subject matter defined in independent claims 1, 10, and 11, as amended herein, obvious to one having ordinary skill in the art.

Applicants have amended independent claim 1 to recite “an artificial-image extracting procedure extracting a plurality of portions as prospective artificial images, each including a plurality of successive pixels of a specific color, and extracting the prospective artificial images as the portions being image data characterizing the artificial images if ordinates or abscissas of their edges are coincident.” Independent claims 10 and 11 have been amended to include the same features added to claim 1. Support for the changes to claims 1, 10, and 11 can be in Applicants’ specification at, for example, Paragraphs 0045-0048. In light of the changes made to claims 1, 10, and 11, Applicants have canceled claims 2 and 4.

The *Ikonomakis et al.* article describes a method of color image segmentation in which regions of pixels having the same or nearly the same color are grouped together to define what might be considered to be an “artificial image.” The *Kuwata* reference discloses an image processing system in which portions containing a large number of certain pixels, e.g., black, white, or other color pixels, are determined to be “frame” portions, and the frame portion is not subjected to image processing. Neither the *Ikonomakis et al.* article nor the *Kuwata* reference discloses or suggests an image processing method having the specific details now recited in the claims, e.g., extracting the prospective artificial images as the portions being image data characterizing the artificial images if ordinates or abscissas of their

edges are coincident. As such, even if the *Ikonomakis et al.* article and *Kuwata* reference were to be combined in the manner proposed by the Examiner (a proposition Applicants do not concede), the result of the combination would not have been an image processing method including each and every feature recited in the claims. Thus, the combination of the *Ikonomakis et al.* article and the *Kuwata* reference would not have rendered the presently claimed subject matter obvious to one having ordinary skill in the art.

Accordingly, for at least the foregoing reasons, claims 1, 10, and 11, as amended herein, are patentable under 35 U.S.C. § 103(a) over the *Ikonomakis et al.* article in view of *Kuwata*. Claims 3, 8, and 9, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over the *Ikonomakis et al.* article in view of *Kuwata* for at least the same reasons set forth above regarding claim 1.

As noted above, claim 4 has been canceled herein. Nevertheless, to the extent the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over the *Ikonomakis et al.* article in view of *Kuwata*, and further in view of *Roy et al.* (“*Roy*”) (U.S. Patent No. US 6,956,569 B1) might be considered applicable to amended claim 1, Applicants respond as follows. The *Roy* reference discloses a method for matching a two dimensional image to one of a plurality of three dimensional candidate models. The portion of the *Roy* reference relied upon by the Examiner, column 1, lines 31-36, states as follows: “The usual methods consist of extracting some features from the gray scale image which are then matched with candidate features from the models. Examples of features are special points (such as corners), extracted edges, configurations of edges (such as parallel edges, sometimes referred to as “ribbons”), etc.” This disclosure in the *Roy* reference does not cure the deficiencies of the primary references relative to the claimed subject matter for at least two reasons. First, the features being extracted in the *Roy* reference are not artificial images as in the claimed subject matter, and the features are not being extracted to improve image processing. Instead, the features

are being extracted to enable object recognition. Second, there is no disclosure or suggestion in the *Roy* reference regarding the extraction of artificial images when ordinates or abscissas of their edges are coincident. As such, the presently claimed subject matter as defined, for example, in claim 1, is patentable under 35 U.S.C. § 103(a) over the *Ikonomakis et al.* article in view of *Kuwata*, and further in view of *Roy*.

Applicants respectfully request reconsideration of the rejection of claims 5 and 7 as being unpatentable over the *Ikonomakis et al.* article in view of *Kuwata*, and further in view of *Katsuhiko et al.* (JP 08-062741). Each of claims 5 and 7 depends from claim 1. The *Katsuhiko et al.* reference does not cure the above-discussed deficiencies of the primary references relative to the subject matter presently defined in claim 1. As such, claims 5 and 7 are patentable under 35 U.S.C. § 103(a) over the *Ikonomakis et al.* article in view of *Kuwata*, and further in view of *Katsuhiko et al.* for at least the reason that these claims depend from claim 1.

Applicants respectfully request reconsideration of the rejection of claim 6 as being unpatentable over the *Ikonomakis et al.* article in view of *Kuwata*, and further in view of *Katsuhiko et al.* and *Tatsumi* (U.S. Patent App. Publication No. US 2003/0085894 A1). Claim 6 depends from claim 1. Neither the *Katsuhiko et al.* reference nor the *Tatsumi* reference cures the above-discussed deficiencies of the primary references relative to the subject matter presently defined in claim 1. As such, claim 6 is patentable under 35 U.S.C. § 103(a) over the *Ikonomakis et al.* article in view of *Kuwata*, and further in view of *Katsuhiko et al.* and *Tatsumi* for at least the reason that this claim depends from claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 3, and 5-11, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In

**Application No. 10/825,892
Amendment dated December 3, 2007
Response to Office Action mailed July 2, 2007**

the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. YOKOP014).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

/Peter B. Martine/

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920